

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, December 5, 2019
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #015-2019

Subject Property Information

Name of Applicant:	Woith Engineering, Inc 1725 41 st St South Great Falls, MT 59405
Owner(s):	Samuel Keaster PO Box 501 Belt, MT 59412-0501
Legal Description:	Mk 30 & 33, E ½ NW ¼ Section 05, Township 19 North, Range 2 East, Cascade County, Montana
Geo-Code(s):	02-2891-05-2-06-02-0000
Parcel Number(s):	0005927500
Existing Zoning:	Mixed Use (MU)
Requested Action:	Approval of a Special Use Permit to allow Light Manufacturing & Assembly at the subject property
Surrounding Land Uses / Zoning:	North: West Ulm Road, Residential South: Northwestern Energy station, Ulm South Frontage Road, Interstate 15 East: Residential, Ulm School West: Residential and Agricultural Use, residential outbuildings
Current Land Use:	Shop/Shed

Applicable Regulations:

Section 7.8.10(17), 16.2, and
Section 10 Cascade County
Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Samuel Keaster to allow a light manufacturing & assembly for stone cutting on the property described as Mk 30 & 33, E ½ NW ¼ Section 05, Township 19 North, Range 2 East, Cascade County, Montana. The applicant is requesting that a Special Use Permit be granted as required by Sections 7.8.10(17) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Mixed Use (MU) Zoning District. The proposed light manufacturing & assembly use is allowed in the Mixed Use

District pursuant to Section 7.8.10(17) of the Cascade County Zoning Regulations. Section 7.8.10(17) of the Cascade County Zoning Regulations reads, “[*Uses Permitted Upon Issuance of a Special Use Permit*]: (17) *Light manufacturing & assembly.*”

2. Samuel Keaster is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on November 24, 2019 and December 1, 2019. Certified letters were sent to surrounding property owners on November 22, 2019. As of writing this Staff Report, the Planning Department has received no written comments/concerns.
5. Interested agencies were solicited for comment on November 22, 2019. As of writing this report the Planning Department has received no written comment.
6. A special use permit may be revoked by the Cascade County Zoning Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit is a zoning violation under Section 13 of these regulations pursuant to Section 10.11 of the Cascade County Zoning Regulations.
7. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
8. The applicant requested Administrative Relief from the Landscaping requirements, the attached Landscaping Plan is attached to this document. The Administrative Relief request is associated with the Southern portion of the property facing Vaughn South Frontage Road and Interstate 15, the remaining portion of the property’s landscaping plan meets or exceeds the requirements of the zoning regulations.

Findings with Respect to the Analysis Criteria

The Planning Department provides the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: The property is located approximately 500 feet west of Ulm-Vaughn Road on Ulm West Road. Additional traffic entering and leaving the site is expected to be minimal. Any tractor-trailer traffic will be able to access the property from Ulm South Frontage Road, thus bypassing the center of Ulm. Sight lines at intersections and approaches will not be changed.

Staff: Traffic conditions along Ulm Vaughn Road adjacent to the neighboring school and through the center of Ulm are a known concern to staff. The applicant's Use Statement Form has represented that 1-2 53' Flatbeds are expected per day in addition to general customer and employee traffic. Since the subject property borders both West Ulm Road and Ulm South Frontage Road, staff recommends the applicant obtain an approach permit from Montana Department of Transportation from Ulm South Frontage Road to serve the semi-truck traffic.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: The property has an existing well and septic permit. Electrical service is already provided and telecommunications are available due to the location in Ulm. Garbage collection is available at the Cascade County Solid Waste Services Ulm Container Site. Fire protection is provided for via the Ulm Volunteer Fire Department.

Staff: The current structures on the property were built in 1999 and services and utilities are already on the property and in the area.

- c. Soil erosion and sedimentation.

Applicant: Soil erosion, sedimentation, and stormwater run-off will not be changed from the current state of the

property, as no new buildings are currently planned to be constructed.

Staff: Staff finds it unlikely that soil erosion and sedimentation will be a concern given that the property is not in the Floodplain and no new construction is proposed. Compliance with the proposed landscaping plan will likely improve absorption of stormwater and reduce potential erosion.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: The property has an existing well. No new water sources will be developed on the property, and stormwater run-off patterns will not be changed. Thus, no adverse effects on surface waters or groundwater are anticipated.

Staff: Staff finds it unlikely that there will be any impact on water supplies. The Missouri River is approximately a third of a mile away and separated by development and Interstate 15. Wells and septic systems already exist on the property.

3. The proposed development is a public necessity or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: The property is located in a developed mixed-use area of Ulm. It is adjacent to Interstate 15 and a frontage road, making it an ideal location for ease of access. Adjacent properties contain residential, commercial, and undeveloped land. Possible conflicts include noise, which will be mitigated by containing operations to normal working hours.

Staff: The residential and educational uses in the area could be negatively impacted by this development. Existing foliage will mitigate these concerns to an extent, and operational hours should be implemented to ensure that potential nuisance level operations are not conducted

during inappropriate hours. The applicant's proposed landscaping includes berms and a hedgerow on the eastern side of the property, as well as the installation of landscaping along two of the street frontages. Further mitigation could be obtained by requiring cutting operations to be conducted indoors.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: Not applicable – the proposed use is not a necessity to public health, safety, and the general welfare of the community or County.

Staff: Staff concurs with the applicant's assessment.

- 4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: The property is located in a developed mixed-use area of Ulm. It is adjacent to Interstate 15 and a frontage road, making it an ideal location for ease of access. Adjacent properties contain residential, commercial, and undeveloped land. Noise will be very minimal. Saws are operated with covers and/or silent core lathes.

Staff: This area of Ulm has a variety of uses in the area. Those uses are largely residential, including the continuing development of the Rolling Meadows subdivision north across West Ulm Road. There is also a school and a church to the east, as well as an electrical substation and Interstate 15 to the south. Parcels to the West are comparatively low density and are mostly undeveloped land or agricultural ground, however residences exist.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: Not applicable – the property does not fall within a municipal or joint land use plan.

Staff: This property is not in proximity to any Launch Facilities or Missile Alert Facilities, and is not in the Height Military Overlay District.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*

Applicant: The proposed use will allow an existing manufacturing/processing business to expand within Cascade County. Additionally, it will provide a supplemental income source for local farmers and ranchers through sale of rocks on their property.

Staff: This proposed use directly supports this objective as a business utilizing locally sourced stone products and allows area landowners to sell stone from their property without operating as a quarry.

- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*

Applicant: The proposed operation uses locally sourced natural stones to create building materials for sale throughout North America.

Staff: This proposed use directly supports this objective by utilizing locally sourced stone products.

- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*

Applicant: The finished rock products will be shipped nationwide, providing an income source from outside the Cascade County economy. Available assets used will include trucking companies and labor. Targeted business development opportunities include construction and building materials.

Staff: This proposal supports this objective through manufacturing and finishing of stone products and is complementary to the construction and contracting sector.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*

Applicant: Not applicable – the proposed use will not promote the development of cultural resources and tourism.

Staff: Staff has not found that this proposal will have any impact on this objective.

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*

Applicant: The proposed use will foster and stimulate well-planned entrepreneurship among the county's citizenry, because it is locally owned and operated.

Staff: Staff finds that this business will likely be complementary to various other businesses in the area and can provide a service for companies interested in utilizing stone products in new construction or remodeling.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*

Applicant: The proposed use will be a locally-owned business venture.

Staff: Staff has found that this proposal generally supports this objective as a local business. It is possible, but not stated that the applicant would be involved in business organizations.

- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*

Applicant: The proposed use will allow local builders to use a local source for natural stone material if they desire.

Staff: This proposed use is an expansion of an existing business, shopping will likely be limited to contractors and construction companies as the market for decorative stones is somewhat niche.

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

Applicant: *The stones used in the operation will be sourced from local landowners in the region, leveraging available local resources and building connections between local communities.*

Staff: The proposed use intends to utilize locally sourced products however there is a reasonable expectation that stone may be sourced and sold outside of the county in the region, state, and possibly beyond.

- I. Encourage the growth of the agricultural economy.*

Applicant: *Not applicable – the proposed operation is not part of the agricultural economy.*

Staff: This proposed use is not an agricultural one but could interface with agricultural producers for materials. This does not directly support this objective but is neither detrimental.

- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: *Not applicable – the proposed operation is not intended to encourage the use of alternative methods of energy production.*

Staff: Staff has not found that this proposal would have either a positive or negative impact on this objective.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*

Applicant: *Not applicable – the project is not intended to foster the continuance of agriculture and forestry.*

Staff: Staff has not found that this proposal would have either a positive or negative impact on this objective.

- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

Applicant: *The proposed operation will not adversely affect Cascade County's scenic beauty, as it is located in a developed area of Ulm. It will preserve Cascade County's scenic beauty and conserve its forests, rangeland, and streams.*

Staff: The proposed use is in an already developed area using a structure that was constructed 20 years before the current property owner took possession. Staff finds this will have a negligible impact on this objective.

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed land subdivisions and commercial development.*

Applicant: *The property is located within Ulm, in an area which has already been developed. The location of the property will preserve Cascade County's open space setting.*

Staff: This property is located within a developed area, minimal open space will be disturbed.

- D. Assure clean air, clean water, a healthful environment and good community appearance.*

Applicant: *The proposed operation will follow all applicable requirements to assure clean air, clean water, a healthful environment, and good community appearance.*

Staff: The applicant has proposed a landscaping plan in general compliance with the Cascade County Zoning Regulation § 18.8. This proposed plan will contribute positively to a good community appearance, however additional considerations may need to be made based on input from surrounding property owners. Water is unlikely to be impacted, however dust and fumes from the operation and associated vehicular traffic may have a negative impact on this objective. Staff finds that this can be mitigated by conducting business during working hours or requiring work to be conducted inside or in a well-ventilated area.

- E. *Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*

Applicant: The proposed operation will support the development of natural resources, because the stones used in the production are sourced from landowners.

Staff: This proposal directly supports this objective.

- F. *Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: Not applicable – the property is not currently undergoing a Superfund or Brownfields process.

Staff: This property is not associated with any Superfund or Brownfields processes.

GOAL 3: Maintain Agricultural economy

- A. *Protect the most productive soil types.*

Applicant: The property is not currently used for agriculture and according to the NRCS Soils Survey, is not classified as prime farmland. Therefore, the proposed use will not negatively impact the most productive soil types.

Staff: This property does not have soils considered prime farmland or farmland of statewide importance and does not appear to be used for agricultural production.

- B. *Continue to protect soils against erosion.*

Applicant: Soils will be protected from erosion through limiting disturbances on the property and landscaping per the Cascade County Zoning Regulations.

Staff: Staff finds it unlikely that this operation would have an impact on soil erosion since no new structures will be built and a comprehensive landscaping plan has been proposed.

- C. *Protect the floodplain from non-agricultural development.*

Applicant: The property is located in a FEMA Flood Hazard Zone X, or area of minimal flood hazard. It is not located on the floodplain. Therefore, the floodplain will not be negatively impacted by the operation.

Staff: This property is classified as Zone X, area of minimal flood hazard, and is not subject to floodplain regulations. While flooding is unpredictable and caused by a variety of factors, staff finds that this property is reasonably safe from flood risk.

- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: *The proposed use utilizes local rocks and stones, and adds an additional income source for local farmers and ranchers through sale of the rocks and stones found on their property.*

Staff: This proposal does not appear to have any relation to traditional value-added agricultural industr.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. Promote the location of additional military missions in Cascade County.*
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant (Response to Objectives A-D): *Not applicable – the proposed use will not impact the presence of the US military in Cascade County.*

Staff: This proposed use is not in the Height Military Overlay District, and the closest Launch Facility is approximately 3.5 miles away. Staff finds it is unlikely that this proposed use will have any impact on the US military mission in the county.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with*

the requirements of a continually evolving economy and constantly changing population.

Applicant: The operation is owned by a Cascade County resident. The business allows the owner to promote his home County and region nationwide.

Staff: Staff finds that this use will generally support this objective.

- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*

Applicant: The proposed use is a development of Cascade County's natural resources, which encourages preservation and promotion of Cascade County's cultural heritage through the style of buildings constructed using the finished stone product.

Staff: It is unlikely that this proposal will have any impact on cultural/historic sites and archaeological areas, historical map data from Montana Cadastral indicates this location was once used as a rodeo ground however it does not appear to have facilities for that operation currently.

- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*

Applicant: The proposed use will follow all applicable fire prevention standards.

Staff: This property appears to be near the border of the wild land/urban interface, however is an existing development with a new use that is in the Ulm Fire District service area. State Building Code will ultimately determine what level of fire suppression system will be necessary.

- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: Not applicable – the proposed use is not intended to encourage the continued development of educational programs and facilities, recreational opportunities and spaces, and health services for all county residents.

Staff: Staff finds it unlikely that this project will have any impact on this objective.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow light manufacturing & assembly at the subject property described as Mk 30 & 33 in the E ½ NW ¼, Section 05, Township 19 North, Range 02 East, Cascade County, MT be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and findings of fact, and **approve** the Special Use Permit to allow light manufacturing & assembly at the subject property described as Mk 30 & 33 in the E ½ NW ¼ Section 5, Township 19 North, Range 02 East, Cascade County, MT subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Landscaping is in accordance with Cascade County Zoning Regulations § 8.18 except where granted administrative relief.
 3. Applicant obtains approach permit from Montana Department of Transportation to provide semi-truck and trailer access to the lot from Ulm South Frontage Road and restricts semi-truck and trailer access to that approach.
 4. General business hours are limited to 7 AM to 6 PM, and no more than five days per week, in accordance with applicant's operational statement, and all rock cutting and shaping is conducted indoors.
 5. Any additional structures associated with this operation obtain a Location/Conformance permit.

Attachments:

- Special Use Permit Application Packet, Landscaping Plan, Interested Agency Notification List

cc: Samuel Keaster; Spencer Woith, Woith Engineering